

10-CV-01787-DECL

FILED \_\_\_\_\_ ENTERED \_\_\_\_\_  
LODGED \_\_\_\_\_ RECEIVED \_\_\_\_\_

JUL 05 2011

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTONUNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JESUS ANDRADE-TORRES,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. C10-1787-JLR  
(CR09-97-JLR)**ORDER OF DISMISSAL**

The Court, having reviewed petitioner's 28 U.S.C. § 2255 motion, the parties' briefs, the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, any objections or responses to that, and the remaining record, finds and orders as follows:

1. The Report and Recommendation is adopted;
2. Petitioner's motion for an evidentiary hearing is DENIED;
3. Petitioner's § 2255 motion is DENIED, respondent's cross-motion to dismiss is GRANTED, and this case is DISMISSED with prejudice;
4. Petitioner is DENIED issuance of a certificate of appealability; and
5. The Clerk shall send a copy of this Order to the parties and to Judge Tsuchida.

1 DATED this 5<sup>th</sup> day of July, 2011.

2 

3 JAMES L. ROBART  
4 United States District Judge  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23